

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2730 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

D.M. JARIWALA

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Petitioners
M/S PATEL ADVOCATES for Respondent No. 1
RULE SERVED for Respondent No. 3, 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 22/09/2000

ORAL JUDGEMENT

The petitioners were appointed as trachoma dressers in 1961 and 1962 and they came to be promoted in the year 1966 as Trachoma supervisors as stated in order dated 20.7.66(at annexure "A" to the petition).

Thereafter, in the year 1969 the State Government decided to close down the Trachoma scheme. Therefore, the petitioners were transferred and absorbed as Malaria Surveillance Inspectors vide order dated 28.10.1969(at annexure "B" to the petition). The payscale of Malaria Surveillance Inspectors was same as the payscale of trachoma supervisors. On account of absorption of the petitioners in the cadre of Malaria Surveillance Inspectors, petitioners also came to be included in the common seniority list of employees working in the Malaria scheme and the employees who were transferred from trachoma scheme to the Malaria scheme. Such seniority lists were prepared and published by the Government in the year 1971, 1976 and 1988. Services rendered by the petitioners as Trachoma dressers were also counted for the purpose of counting the length of petitioners' services. The petitioners, thereafter, came to be promoted as Malaria Laboratory Technicians in February, 1987 as per order dated 9.2.87(at annexure "E" to the petition). However, thereafter, by the impugned order dated 6.6.87 (at annexure "F" collectively) the petitioners were sought to be reverted as Sanitary Inspectors in the payscale of Rs.330-560 from the payscale of Rs.380-600 in which they were working at the time of filing the petition. Hence, the petitioners filed this petition challenging the impugned decision.

2. While issuing notice on 19.6.1987 this Court also passed interim order directing the respondents to maintain statusquo. Petition came to be admitted on 3.7.1987 and interim order was ordered to continue till further orders. Thereafter, the matter has been adjourned on a number of occasions.

3. Mr.K.T.Dave, Ld.AGP for respondents states that the orders dated 6.6.1987 have subsequently been cancelled by order dated 26.8.1988 issued by the Chief Personnel Officer, Health, Medical Services and Medical Education (Health), Gandhinagar. In view of the said order dated 26.8.1988, which is taken on record, no adjudication is required to be made.

4. However, in view of the order, dated 26.8.1988, the respondents are directed to treat the petitioners as having been in the cadre of Malaria Surveillance Inspectors from October 1969 till their promotion in January/February 1987 and thereafter in the cadre of Malaria Laboratory Technicians from January/February, 1987 and to grant the petitioners all the benefits including seniority, pension, gratuity and leave etc on that post.

5. Rule is accordingly made absolute with no order
as to costs.

22.9.2000 (M.S.SHAH,J)